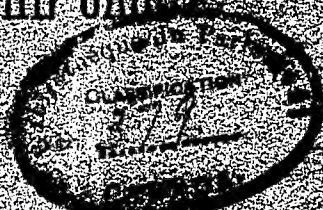


*Can't  
leave  
it  
7511*

*McPhillips*

THE MANITOBA QUESTION

TRUE SIDE OF THE CASE



MR. BODWELL'S FALLACIES EXPOSED

MR. JOSEPH MARTIN AND  
HIS METHODS.

VICTORIA, B. C.  
THE COLONIAL PRESS, 1898.

LIBRARY OF PARLIAMENT.



# THE MANITOBA SCHOOL CASE.

---

A Reply to Mr. E. V. Bodwell's argument against  
the School System in operation in Manitoba  
prior to 1890, by A. E. McPhillips,  
Barrister-at-Law.

---

Having carefully perused the printed reports of Mr. E. V. Bodwell's political address, delivered at the Victoria theatre on Thursday evening, December 26th, and realizing that such an address distributed broadcast amongst those unfamiliar with the true facts and circumstances of what is now known throughout the Dominion as the Manitoba School Case, must create a wholly false and distorted impression of this question, I venture to submit to the electors of Victoria, B. C., the following reply thereto; and I do so, believing firmly that all fair-minded and patriotic men will, in honesty of purpose, be most willing to receive and consider the true facts, and therefrom form an opinion for themselves instead of being led away by those who seek merely to make political capital.

A. E. McPHILLIPS.

---

## MR. BODWELL HAS NOT DONE HIMSELF JUSTICE.

Mr. Bodwell has not done himself justice. He is a man of great talent and of much originality, but, in his address on the Manitoba School Question, instead of relying on his own research and ability, he has contented himself with reproducing the assertions of others, and, having relied upon their accuracy, has involved himself in their untruths; untruths which in the place where originally uttered have been demonstrated time and again. Here in Victoria they are comparatively new.

### NO ORIGINALITY IN HIS ARGUMENTS.

Mr. Bodwell's address has not an original argument in it. It is the RE-VAMPING and RE-ARRANGING of pamphlets issued upon the subject by self-serving politicians whose aims and objects have been exposed over and over again.

### HIS QUOTATIONS FROM PRIVY COUNCIL PROCEEDINGS.

Mr. Bodwell's quotation from the proceedings of the Privy Council appeared in the opposition newspaper two or three weeks before he used it. No lawyer would, as an argument, quote those proceedings as an authority for any proposition. As a lawyer, Mr. Bodwell would refer to the judgment itself for anything authentic. The verbal remarks of counsel and judges during the argument, made for the purpose of elucidating and leading up to the judgment, form no part of the judgment. THEY ARE NOT QUOTATIONS FROM THE JUDGMENT. Often remarks interspersed during the argument, are modified or withdrawn. Those who have attended our Courts here have seen instances of that. Mr. Bodwell professes to give us extracts from the proceedings in order to show that all decided was "that construing the Manitoba Act technically and strictly "according to its language, the Governor-General had jurisdiction to hear the petitioners"—"nothing more." The Privy Council saying in effect;—"You must investigate the matter, "and if you find that, as statesmen, a gross injustice has been "done, which has no other remedy, then you can, if you choose "give a remedy, but you are not bound to do so."

The words quoted are Mr. Bodwell's exact language. They infer, in fact, state plainly, that the Privy Council do not find the minority to have any grievance; but leave the Governor-General in Council to find out whether there is a grievance, and if so, to say whether they will remedy it, or not. How untruthful this statement is, is at once shown by reference, not to the skirmishing conversations, but to the judgment itself, which Mr. Bodwell carefully leaves out of sight.

### AN ACCURATE QUOTATION FROM THE JUDGMENT.

*Lord Herchell:—*

"Contrast the position of the Roman Catholics prior to and "subsequent to the Acts from which they appeal. Before these "passed into law there existed denominational schools of which "the control and management were in the hands of the Roman "Catholics, who could select the books to be used and determine the character of the religious teaching. These schools "received their proportionate share of the money contributed "for school purposes out of the general taxation of the Pro-



"vince, and the money raised for these purposes by local assessment was, so far as it fell upon Catholics, applied only to Catholic schools. What is the position of the Roman Catholic minority under the Acts of 1890? The schools of their own denomination, conducted according to their views, will receive no aid from the State. They must depend entirely for their support upon the contributions of the Catholic community, while the taxes out of which the State aid is granted to the schools provided for by the Statute, fall upon Catholics and Protestants. Moreover, while the Catholic inhabitants remain liable to local assessment for school purposes, the proceeds of the assessment are no longer destined to any extent for the support of the Catholic schools, but afford the means of maintaining schools which they regard as no more suitable for the education of Catholic children than if they were of a distinctly Protestant character."

SUPPRESSED BY MR. BODWELL.

By suppressing all mention of the judgment of their Lordships, Mr. Bodwell argues that the Government were not forced to act. Saying that they were not forced to act means, of course, that there was no peremptory, or valid reason shown why, as honest interpreters of the Constitution, they should act. In a physical sense the Government were not forced to act. But, in a moral sense, they were bound to act when the rights of the minority were shown to be affected, and that they were affected, and how deeply, is shown by the above quotation, and, as if to emphasize it, their Lordships go on to say :—

"In view of this comparison, it does NOT SEEM POSSIBLE TO SAY THAT THE RIGHTS AND PRIVILEGES of the Roman Catholic minority in relation to education which existed prior to 1890 have not been affected."

Rights and privileges then having found by the highest tribunal in the land to have been affected, and injuriously affected, by the Legislation complained of, the law speaks with no uncertain sound. Here is what it says :—

Manitoba Act Sec. 22. "In and for the province the said Legislature may exclusively make laws in relation to education, subject and according to the following provisions :—

"(1). Nothing in any such law shall prejudicially affect any right or privilege with respect to denominational schools which any class of persons have by law or practice in the province at the Union :—

"(2). An appeal shall lie to the Governor-General in Council from any act or decision of the Legislature of the

"Province, or of any provincial authority, affecting any right or privilege of the Protestant or Roman Catholic minority of the Queen's subjects in relation to education."

"But," says Mr. Bodwell, "all that says is that the Government were bound to hear the appeal, not to grant any, and, as matter of fact, they ought to have granted no relief, for the schools before the Act were inefficient, and disloyalty inculcated as one of the leading features of the separate school system."

I will deal with the questions of inefficiency and disloyalty in a moment, but first let me refer a moment to the contention that with a just cause of appeal existing, the Governor in Council was not forced to give effect to it.

#### GOVERNMENT NOT FORCED TO GIVE RELIEF.

Such an assertion shocks every sense of morality, and honesty. It is the argument of the bandit and robber. As well might you argue that although the law says that it shall be lawful for a Court of Justice to restore to me my watch which has been filched from me, and to punish the marauder, yet the Court is not forced to do anything. It is only lawful for them to do it, and they can do as they please, or as policy dictates. That is Mr. Bodwell's argument in a nutshell. But, as every honest man can see, the jurisdiction and duty of hearing the appeal carries with it the imperative obligation also to grant redress if the appeal is well founded, and that the appeal is well founded, is declared by their Lordships in the language above quoted, and by their express finding in apt language, the appeal is well founded."

Then, following the decision that the rights of the minority have been affected and that the appeal is well founded; their Lordships go on to say: "It is not for this tribunal to intimate the precise steps to be taken. Their general character is sufficiently defined by the 3rd sub-section of the Manitoba Act."

Here is the 3rd sub-section which their Lordships thus invoke:—

"(3.) In case any such Provincial Law, as from time to time seems to the Governor-General in Council requisite for the due execution of the provisions of this section is not made, or in case any decision of the Governor-General in Council on any appeal under this section is not duly executed by the proper Provincial Authority in that behalf, then, and in every such case, and as far only as the circumstances of each case require, the Parliament of Canada may make

“remedial laws for the due execution of the provisions of this section, and of any decision of the Governor-General in Council under this section.”

#### NO OCCASION TO RE-ENACT THE STATUTE OF 1890.

Their Lordships then proceed:—“It is CERTAINLY NOT ESSENTIAL that the Statutes repealed by the Act of 1890 should be re-enacted, or that the precise provisions of those Statutes should again be made law. \* \* \* \* \* All legitimate ground for complaint would be removed if the system was supplemented by provisions which would remove the grievance upon which the appeal is founded, and if it were modified so far as might be necessary to give effect to those provisions.”

#### NOT FORCED TO ACT.

Mr. Bodwell: “Never let it be said again in the City of Victoria during this election that the Government were forced to act.” (Cheers.)

Her Majesty's Judgment of the Privy Council:—“Her Majesty having taken the said report in consideration was pleased by and with the advice of Her Privy Council to approve thereof, and to order, as it is hereby ordered, that the recommendations and directions therein contained be punctually observed, obeyed and carried into effect, in each and every particular—Whereof the Governor-General of the Dominion of Canada for the time being, and all other persons whom it may concern, are to take notice and govern themselves accordingly.”

How does Mr. Bodwell's statement, and the judgment of Her Majesty's Privy Council of England, agree?

#### INEFFICIENT EDUCATION.

Let us now look into the statement that it was established beyond a doubt that the separate schools as means of education were woefully deficient; that the examinations set for teachers were of such a character as not to require any of the peculiar qualifications of a teacher, and it was also proved that the characters of the teachers as students were not such as to give any reasonable hope that that state of things would be remedied in the future; that a most deplorable state of illiteracy was found amongst the people themselves; that in very many cases in petitions sent into the Legislature, more than half of the signers were unable to write their names, and so on.

In the first place, if all this, and a great deal more, has, as Mr. Bodwell asserts, “been established beyond a doubt” it

answers the suggestion said to have been made by the Provincial Government but not in fact made "of a commission to investigate the facts," for, apparently the investigation had already been made. But, even assuming all to be as Mr. Bodwell states, no reason is given for depriving the minority of their constitutional rights. If the schools were inefficient, reform them, raise their standard and see it complied with. Mr. Bodwell tells us that nothing short of a return to the system as it existed before 1890, would suit the Catholic minority, and that the Remedial Order distinctly directs a return to that system. Each of these statements is directly contrary to the fact.

#### NO CHURCH CONTROL OF SCHOOLS.

At the hearing of the Appeal before the Governor-General in Council, Mr. Ewart, as Counsel for the Roman Catholic minority, in addressing the Council, said :

"THEY DO NOT ASK THAT THEIR CHURCH SHOULD IN ANY WAY CONTROL THE SCHOOLS. THEY ARE PERFECTLY WILLING TO WORK UP TO ANY STATE PRESCRIBED STANDARD OF SECULAR INSTRUCTION, TO BE SUBJECTED TO INSPECTION, AND TO USE SCHOOL BOOKS NOT AT VARIANCE WITH THEIR RELIGIOUS DOCTRINES."

In fact, as is well known, Catholics are perfectly willing to be bound by, and are anxious to co-operate in every arrangement necessary for the secular, if thought well, the compulsory education, of children in Manitoba. All that they ask is that they shall have the privilege of teaching religion—not to others—but to their own children. This is a matter of conscience with them—are not their conscientious convictions to be respected, when the constitution says they shall be so? As for the statement that the Remedial Order distinctly directs a return to the system in force before 1890—it does nothing of the kind! On the contrary the judgment says distinctly: "It is certainly not essential that the Statutes repealed by the Act of 1890 should be re-enacted, or that the precise provisions of these Statutes should again be made law."

Mr. Bodwell says :

"IT IS A QUESTION OF POLITICS."

"It is a question of expediency, one of debate between two classes of people that are found in every province, those who believe in secular education in the public school, and those who do not; and in the ordinary course of things, and in accordance with the universal rule that governs British law, this is pre-eminently a question in which the majority should rule."



I differ with him. This is not a question of politics. It is a question of constitutional right, and of settled law, which says, not that this question, which is one of conscience, shall be decided by the majority, but that : (s. 22, ss. 1.)

"Nothing in any such law shall prejudicially affect any right "or privilege with respect to denominational schools which any "class of persons have by law or practice in the Province at the "union," and further if this provision is over-ridden there shall be an appeal, not to the majority, but to the power, which is bound to protect the meanest subject—the Governor-General, representing the Queen, in Council.

Apply Mr. Bodwell's argument to the Province of Quebec, where the majority are Catholic, but where the Protestant minority are protected by a section in the B. N. A. Act similar to section 22 of the Manitoba Act. Suppose the question to be raised there of abolishing separate Protestant schools, and of having but one system of Catholic public school education. Apply Mr. Bodwell's argument to that state of affairs : "It is a "question of expediency. One of debate between two classes "of people, those who believe in Catholic public education and "those who do not, and in accordance with the universal rule "that governs British law, that is pre-eminently a question in "which the majority should rule."

What an enormity it would be in Quebec, that the parents of every Protestant child must submit to his child being indoctrinated with Roman Catholicism! What a hideous tyranny, and flagrant violation of the Constitution! And yet the counterpart of such tyranny and violation of constitutional rights, Mr. Bodwell's argument would inflict on the Catholic child in another province. What in the Province of Quebec, would the Protestant father have to say to Mr. Bodwell's further point. "There is nothing against any denomination establishing and supporting their own denominational schools, but they would receive no state aid." The parent would ask, and with irresistible force, why was he taxed to support Roman Catholic schools to which he could not conscientiously send his child, and, as for establishing his own denominational schools, why he had not the money to do so, and pay taxes towards state schools as well.

Mr. Bodwell, and many others, would laugh to scorn the possibility of such a state of things in Quebec. Why? Because Canadians of other provinces, and British subjects everywhere, would rise *en masse* against it, and Quebec, too weak to enforce such a system, would be alone in the struggle. But to the honest mind, which does not proceed upon the prin-

ciple of mere might constituting right, there would be nothing more revolting in Quebec's tyrannical attempt to control conscience by an invasion of constitutional right than in the case of Manitoba. The mere fact that in the one case Catholic rights were encroached upon, and in the other, Protestant, would be no feature in the case. How, in the Quebec case, if the Dominion interfered, would such cries sound as "Hands off Québec"? "No coercion"? "Let Québec alone"? &c.; &c.

#### WHERE THE COERCION COMES IN.

As Mr. Helmcken, Q.C., remarked the other evening, the coercion is not of Manitoba, but BY Manitoba of a minority which is supposed to be weak; but the Constitution is the protection of the minority. The majority require no constitution.

#### INEFFICIENCY REFUTED.

But what truth is there in this charge of inefficiency? I will quote from an article by Mr. Ewart, Q.C., in the *Toronto Mail*, of 15th June last. He says: "The charges of 'inefficiency brought against the former Catholic schools have been answered so often and so completely that nothing but a charitable attribution to the Manitoba Government of 'monomania can save from very serious characterization its statement that 'so far as we are aware there has never been 'an attempt made to defend these schools on their merits.'" After referring to several of the more public refutations of inefficiency, the writer goes on to say: "In fact there has not been the slightest difficulty in answering all that has been put forward as charges of inefficiency. The allegations are of three kinds: (1). Those which are perfectly true, but also 'utterly irrelevant, and would be just as useful to prove the 'inefficiency of the sun to penetrate the walls of a dungeon. (2). Those which are specific, but untrue. (3). Those which 'are so general that they are rather villification than 'allegation."

"Among those which are true, but irrelevant, the principal one is that very many of the French half-breeds are illiterate. In the United States where there are no separate schools, the illiteracy amongst the civilized Indians, Chinese, Negroes, etc., is so great that a separate column is made for them in the educational census. Is this an argument in favor of establishing separate schools in the States? Does it prove the inefficiency of their system of education? If not, why does the partial illiteracy of half-breeds, who during their present generation were roving bands of hunters, and whose mother tongue is Cree,

prove anything against the Catholic schools in Manitoba? Let the Catholics be admired for the noble work they have done as missionaries, instructors and civilizers among the nomads of the prairies; and not be traduced or their work belittled by dwelling upon the fact that every nomad is not yet a scholar."

"Amongst the charges that are specific, but are untrue, is the allegation that in these Catholic schools catechism is the principal subject of instruction. At the close of my recent lecture in Winnipeg I produced the time-tables from five Catholic schools and asked everyone to see for himself the baselessness of this charge. Further, I gave in the name of the Catholics, a cordial invitation to all to visit the schools at any time they wished. It is needless, perhaps, to add that although no one came, the charge is still supposed to be so true as not only to be unanswered, but to be wholly incapable of answer."

"Another specific charge is that under the old system the Catholics cooked their return so as to increase their share of the taxes. This charge has now become a general one, for the reason that upon the only occasion upon which it was made specific, it was proved to be untrue, and that in the most satisfactory way possibly, namely, by the finding of the Court of Queen's Bench. The charge then was specific. It was made as to the city of Winnipeg. It was proved to be false. Since then it has become, as I say, general, and has taken to the woods."

"Another specific charge is that the examination of teachers was a farce. This has been supported by quoting one out of several papers set for a teacher's examination, and then speaking of it as Mr. Armour does, as though it had been the only one required to be answered. Mr. Armour should be more careful."

"The general charges are, as I have said, rather vilifications than allegations. To meet them one can do little more than ask for particulars, and meanwhile give flat denial. At my recent lecture I did all that was possible to remove misapprehension by producing upon the platform for general inspection a large exhibit of the ordinary work of the Catholic school children by asking the audience to visit the schools, and by announcing the fact that in one of the Winnipeg Catholic schools there were on that day no fewer than 44 Protestant scholars, whose parents would rather pay for the benefits of the "inefficiency" of a Catholic school than partake of the excellence of the public schools for nothing."

In Mr. Ewart's lecture, to which he refers, (given in the Congregational Church of the City of Winnipeg), he remarks:—

" Perhaps the best means of ascertaining whether the separate schools system is injurious, is to ascertain how it works in Ontario. There the supporters of both systems are much the same, and the conditions are identical. How does it operate there? Are the separate schools there illiterate? If you will turn to the Canadian Statistical Year Book for 1894, at page 851, you will find the statement: 'The average attendances at the separate schools were better than at the public schools, being 57 per cent. of the total number of pupils, while the average cost of a pupil, both on total attendance and on average attendance, was less than the public schools.' "

#### FURTHER TESTIMONY REFUTING INEFFICIENCY.

Now, let me give another testimony, that of Capt. W. Clarke, who, at the time he wrote the letter given below, was the Manitoba representative at the Colonial and Indian Exhibition. Mr. Clarke is not a Catholic, nor has he any tendencies toward Rome, but, through his daughters he acquired some knowledge of a Catholic school in Manitoba, and so was prepared to acknowledge without surprise the merit of their exhibit. Read his testimony :—

LONDON, 27th July, 1886.

" DEAR SIR,—I can speak with experience with reference to the excellence of your section, two of my daughters having been for a long time with the good sisters of St. Boniface, where their progress was as satisfactory to me as it was pleasant to me."

"I am, sir,

"Your obedient servant,

"WILLIAM CLARKE."

"T. A. Bernier, Esq., Supt. of Education."

Read also the testimony of Canada's High Commissioner in the same year (1886), long before the questions which now rend society had arisen :

"COLONIAL AND INDIAN EXHIBITION, 1886.

"CANADIAN SECTION,

"LONDON, 29th June, 1896.

"To T. H. Bernier, Esq.:

"MY DEAR SIR,—I duly received your letter of the 3rd inst., and have to thank you for the memorandum which you have prepared on behalf of your section of the Manitoba Educational Exhibit. I shall be pleased to receive a thousand

"copies of the memorandum and to see that they are carefully distributed. The exhibit which you have taken such pains to collect has already attracted considerable attention, and I do not doubt it will add to the success of the Dominion at the Exhibition.

"I remain, Yours faithfully,

"CHARLES TUPPER."

If you are not satisfied with such testimonies, listen to the following remarks published in the "Canadian Gazette" of London, on the 4th November, 1886:

"It is generally believed that of all the sister provinces, that of Manitoba is the least advanced towards civilization. We already know, that in many respects, such is not the case, but if we consider the EXCELLENT SCHOLASTIC EXHIBITION of that province, we see in what degree that impression is erroneous, especially in the matter of education.

"The collection contains samples of books, exercises, scholastic material, etc., etc., coming from the CATHOLIC SCHOOLS as WELL as from the PROTESTANT SCHOOLS of the province.

"The excellency of the work, and especially of the geographical charts is incontestible. This is the more pleasing, if we consider the fact that many exhibits are dated from the year 1884, and the beginning of the year 1885. It is evident the exhibit is composed of the ordinary duties of the schools in all parts of the province, and not of work specially prepared for the occasion.

"No pretention has been made to eclipse the school exhibits of the other provinces, but the collection that is under our eyes denotes that in one of the most recently 'organized' provinces of the Confederation, THERE EXISTS A SCHOOL SYSTEM, WHICH ALTHOUGH RESPECTING THE FAITH AND RELIGIOUS CONVICTIONS OF THE POPULATION, OFFERS TO EVERYONE AN EDUCATION CAPABLE OF FITTING FOR THE HIGHEST RANK IN THE SOCIETY, THE CHILD WHO IS PLACED UNDER ITS CARE."

#### WHAT PATRIOTISM DICTATES.

Mr. Bodwell goes on to tell us of the purely anti-British tendency of the teaching in the former Manitoba separate schools. English not taught, and children ignorant of British history and traditions and teaching being anti-British in every sense of the word, and Mr. Bodwell closes with the following peroration:—

## MR. BODWELL'S PEORATION.

"Will Col. Prior force on the people of Manitoba a system which will leave a large part of the population ignorant of the glories and achievements of British arms in the past. To whom the names of Waterloo and Balaclava will be unmeaning terms; who will never hear of the relief of Lucknow, or the glorious day of Alma. Whose pulses will never be stirred by the heroism of Wolfe, or the reckless daring of Brock. How, step by step, under the growth of British institutions, often amid tears of privation and bloodshed, the divine right of kings was made subordinate to the greater rights of the people. Of the United Empire Loyalists, of their struggles and adherence to the British Crown, and how, out of the flames and ashes of that bitter martyrdom there has arisen in this Canada of ours a system of constitutional rights, or educational privileges, of freedom of thought, and liberty of conscience, which is to-day the admiration of the world."

All this highly inflammatory material from a gentleman who assures us "WE MAKE NO APPEALS TO PASSION," demonstrates to the intelligent listener, who has just heard this display of fireworks, that an endeavor to appeal to the passions of the uninformed is exactly what the speaker is attempting. The reference to constitutional rights and educational privileges from one who is appealing to the blind passions and prejudices of his hearers to ride roughshod over these very constitutional rights and educational privileges, is a sad commentary on the consistency of the human mind. This gentleman must have imbibed the principles of Mr. Templeman, when in a moment of disappointment at losing his election five years ago, he announced his opinion that the public were no longer to be swayed by reason, but practiced only by the methods of the bunco steerer. Are these the methods now to be employed in this campaign, in the absence of legitimate subjects for appeals to reason? Why is it that all the broad principles of Liberalism, "Free trade as they have it in England." "Tariff for revenue only," and so on, are almost entirely given the go-by in this contest, and all efforts centred on a cry which can only have the effect of sowing religious hate and bigotry?

What is the use of this outcry for Provincial rights, and against French domination, when, in reference to the Jesuits Estates Act, these people, with Dalton McCarthy at their head, were prepared to over-ride every Provincial right; and, in the Riel case, headed by Laurier, were prepared to rend the Dominion in shreds, so as to gain sympathy and support from a horde who objected to the righteous punishment of a French Rebel?



### DISLOYALTY IN TEACHING.

Now, as to "Disloyalty in Teaching," and neglect of English History, the obvious answer is, that given to the charge of inefficiency. If it exists, let the Government remedy it; they are responsible for the proper conduct of the schools, whether denominational or secular. As pointed out before, the Church does not ask to control the schools, and the Catholics are perfectly willing to work up to any State prescribed standard of instruction, to be subject to inspection, and to use school books not at variance with their religious doctrines.

What more can be asked than this, even if all Mr. Bodwell's appeal to prejudice and passion is true. But that it is not true, but wholly false, is demonstrated by the fact that no proof of anything of the kind was offered by the Manitoba Government during the four days when their case was argued before the Dominion Government by Dalton McCarthy, nor has there been any proof offered since then by the government, or by any one else. There is not the remotest truth in it.

### THE BILL OF RIGHTS.

Mr. Bodwell says that in the original Bill of Rights which preceded Confederation no mention is made of separate schools, and therefore, he argues, Catholics are not entitled to them.

But Mr. Bodwell's premises do not warrant his conclusion. Regarding the Bill of Rights he tells us that a "great public meeting was held and delegates appointed to draw up a Bill of Rights, which was afterwards sent to Ottawa, and which formed the foundation of the compact by which Manitoba afterwards came into Confederation. In that Bill of Rights, from beginning to end, there was no mention of separate schools."

Assuming what Mr. Bodwell says to be the fact, what has it to do with the case? The so-called "Bill of Rights" was but a preliminary draft of what afterwards was formulated as the "Manitoba Act," and it is idle to speculate on what may, or may not have been left out of the draft. The thing which speaks is the Act of Parliament, finally assented to by all parties: Confirmed by the British Parliament: Worked under for 20 years, and unquestioned in any way until now. The Manitoba Act is perfectly clear on the subject of denominational schools, clearer even than the British North America Act which applies to Ontario and Quebec, and which protects SEPARATE SCHOOLS ONLY WHEN ESTABLISHED BY LAW BEFORE OR SINCE THE UNION, whereas the Manitoba Act recognizes those established either by law OR PRACTICE.

As a matter of fact there were FOUR BILLS OF RIGHTS FOR MANITOBA, formulated before the Manitoba Act. The point of genuineness turns only upon the fourth Bill of Rights, which, even if it could be proved a forgery, would not alter the case. At least, the second and third Bills of Rights contained distinct protection of the rights and privileges of the people in regard to schools before Confederation.

So, even without the fourth bill over which dispute as to genuineness has arisen, it is perfectly clear that all existing educational rights and privileges were to be respected. But as pointed out before, the question is not, what was contained in either of the Bill of Rights, which have all, long since passed out of existence, but what is contained now, in the constitution, "The Manitoba Act."

"HANDS OFF MANITOBA. WHAT IS MANITOBA'S CASE TO-DAY MAY BE BRITISH COLUMBIA'S CASE TO-MORROW."

This loud sounding, but hollow cry, was not made use of by Mr. Bodwell, but is a favorite one with some other speakers. It is utterly misleading.

The constitution and circumstances applicable to British Columbia are entirely different from Manitoba. The Manitoba Act does not apply to us. With us, the only Constitutional provision in relation to denominational or separate schools, is section 93 of the British North America Act.

93. In and for the province the Legislature may exclusively make laws in relation to education, subject and according to the following provisions :

(1). Nothing in any such law shall prejudicially affect any right or privilege which any class of persons HAVE BY LAW IN THE PROVINCE AT THE UNION.

(3). Where in any province a system of separate or dissentient schools EXISTS BY LAW AT THE UNION, OR IS THEREAFTER ESTABLISHED BY THE LEGISLATURE OF THE PROVINCE, an appeal shall lie to the Governor-General in Council from any act or decision of any provincial authority affecting any right or privilege of the Protestant or Roman Catholic minority of the Queen's subjects, in relation to education.

The Union consummated by the B. N. A. Act was only of Upper and Lower Canada, now known as Ontario and Quebec, and of Nova Scotia and New Brunswick; and the only privileges in respect of separate schools to be respected, were "THOSE EXISTING BY LAW AT THE UNION, or thereafter established by the legislature of the province."

## CAN BE NO SEPARATE SCHOOLS IN BRITISH COLUMBIA.

Some five or six years after the Union, the question arose in New Brunswick, whether the Catholics were entitled to separate schools, and the question was litigated, first in the Supreme Court of the province, and afterwards in the Privy Council in England, and both tribunals arrived at the same conclusion, which was that no such right existed under the sections of the British North American Act above quoted. The Catholics in vain pointed to the separate schools which had "by practice" existed in New Brunswick before Confederation. The Courts said, "That will not do. You must have them not 'by practice' but by law," and in order to have them by law, they must exist by "POSITIVE LEGAL ENACTMENT ;"

And, as there was no "positive legal enactment" at the Union, or by the Local Legislature since the Union, establishing separate schools, the Catholics lost their case and were held to be entitled to no privilege of separate schools. NEW BRUNSWICK'S CASE IS PRECISELY THAT OF BRITISH COLUMBIA.

British Columbia had no separate schools or denominational privileges whatever before Confederation. It has established none itself since, and hence no question whatever of Dominion Legislation or interference, upon the subject, can possibly arise. And, as for separate schools in other Provinces, in which they are established by law, or which have adopted them voluntarily, that is none of British Columbia's concern, and there is no reason whatever why any such MISCHIEVOUS, VENOMOUS QUESTION should be imported into politics here, where we have hitherto been free of it, and ALL CREEDS AND DENOMINATIONS LIVE HAPPILY TOGETHER.

They get along together also in Ontario and Quebec where they have separate schools, giving a system of education second to none in the world, and so they would in Manitoba, if it were not that the busy-bodies set people by the ears. Don't let them do the same thing in British Columbia. Mr. Martin told the people at New Westminster the other day that the issue of this election is not whether British Columbia or Victoria was to have Cabinet representation, but whether separate schools are to be re-established in Manitoba. THERE IS NO SUCH ISSUE HERE.

LET MR. MARTIN KNOW IT.

-- A. E. McPHILLIPS.